

REMARKS

Claims 1-20 are pending in the present application. By this Response, Applicants have amended claims 1 and 17. Applicants respectfully submit no new matter was added by the Amendments, and that the Amendments are fully supported by the specification. Accordingly, claims 1-20 are at issue.

The Examiner has rejected claims 1-13, 15 and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Emens et al. (“Emens”). Applicants respectfully traverse this rejection.

Claim 1, as amended herein, is directed to a method of providing notification to an operator of an automation network that includes an intelligent automation device and a network device. The method of claim 1, among other limitations, requires “monitoring the network device by said intelligent automation device.” The intelligent automation device senses a signal from the network device and transmits an object responsive to the sensed signal to a receiving device for notifying the operator. In this manner, the system can notify the operator when operator intervention is necessary for the automation system.

Emens discloses a system for generating computer based notifications of “real-world events.” A proxy server is connected to one or more sensors, such as an audio or video sensor, for sensing the “real world event.” The proxy server can then generate a notification (including an image of the real world event – the image provides a “visual record” of the event) for transmission to a client computer over a network. The client computer can set up various parameters to trigger when the notification should be sent. The primary example provided in

Emens, is for monitoring a baby's room at home to notify the parent when the baby is crying. (See Emens, col. 2, lines 47-58).

In contrast to monitoring for "real world events," the present invention monitors the health of equipment (i.e., network devices) in an automation network to determine when operator intervention is required. Emens does not disclose or suggest such a use for its system. Moreover, the system of Emens would have to be extremely modified to perform the steps of claim 1. Emens is not concerned with the status of a network device and is not capable of providing an object responsive to a signal provided from a network device. Instead, Emens is only concerning with sensing a real world event and then generating a notification of the real world event to a client computer.

The Examiner acknowledges "Emens does not explicitly teach the limitation of an automation network." In this regard, Emens also does not teach monitoring a network device or transmitting an object responsive to a signal received from the network device. The Examiner takes official notice that the "concept and advantages of an automation network is old and well known in the art" and maintains it would have been obvious to modify Emens by specifying the network taught by Emens as an automation network." However, modifying Emens to place it in an automation network does not show how the system of Emens would monitor a network device or transmit an object responsive to a signal from the network device. In other words, the Examiner does not demonstrate how Emens would meet each step of the claim.

Additionally, the Examiner has failed to adequately set forth an incentive or motivation to modify Emens in the manner suggested. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See MPEP 2143.01. Second, there must be a reasonable expectation of success. See MPEP 2143.02. Finally, the prior art reference(s) must teach or suggest all of the claim limitations. See MPEP 2143.03. The teaching or suggestion to make the claimed combinations and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Examiner bears the initial burden on factually supporting any *prima facie* conclusion of obviousness. See MPEP § 2142. In the present case, the Examiner failed to meet this burden. The Examiner has failed to show any motivation for modifying Emens to monitor anything other than “real world events” or to be capable of transmitting an object responsive to a signal sensed from a network device.

Accordingly, Applicants respectfully submit claim 1 is patentable over Emens. Claims 2-6 depend from claim 1, either directly or indirectly, and include each of its limitations. Therefore, Applicants respectfully submit, claims 2-6 are also patentable over Emens.

Claim 7 is directed toward a notification system for an automation network. Claim 7 requires, among other limitations, “a sensor for monitoring a network device” and “an intelligent automation device . . . having an object . . . wherein the intelligent automation device transmits the object to the receiving device to notify the operator.”

For the reasons given above with respect to claim 1, Applicants submit Emens does not disclose a system that monitors a network device or transmits an object responsive to the monitored network device; and there is no showing of a motivation to modify Emens as suggested. Accordingly, Applicants respectfully submit claim 7 is patentable over Emens.

Claims 8-13 and 15 depend on claim 7, either directly or indirectly, and include each of its limitations. Therefore, Applicants respectfully submit claims 8-13 and 16 are also patentable over Emens.

Claim 17, as amended herein, is also directed to a system for an automation network. Among other limitations, the system of claim 17 requires “an object embedded in the intelligent automation device, the object responsive to a signal from a network device.”

The proxy server of Emens does not include an object that is responsive to a network device. Emens monitors “real world events” not network devices. Accordingly, for these reasons as well as the ones set forth above, Applicants respectfully submit claim 17 is patentable over Emens. Claims 18-20 depend on claim 17, either directly or indirectly, and include each of its limitations. Therefore, Applicants respectfully submit claims 18-20 are also patentable over Emens.

The Examiner has rejected claims 14 and 16 under 35 U.S.C. §103(a) as being unpatentable over Emens in view of Lee et al. (“Lee”). Applicants respectfully traverse this rejection.

As set forth above, Applicants respectfully submit claim 7 is patentable over Emens. Lee does not cure the lack of disclosure in Emens with respect to claim 7. Claims 14 and 16 depend from claim 7 and include each of its limitations. Accordingly, Applicants respectfully submit claims 14 and 16 are patentable over Emens in view of Lee.

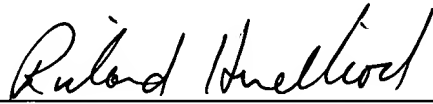
CONCLUSION

In light of the foregoing Amendments and Remarks, Applicants respectfully submit pending claims 1-20 are in condition for allowance, and respectfully request reconsideration and allowance of claims 1-20. The Examiner is invited to contact the undersigned if there are any questions concerning this Response.

The Commissioner is authorized to debit or credit Deposit Account No. 23-0280 for any payment **deficiencies or overpayments** associated with this matter.

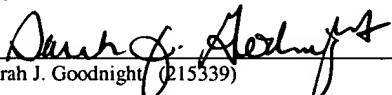
Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on December 17, 2004.


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